

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF OCTOBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 18515 of 2004

Between:

- 1 Gorantla Anjaneyulu, S/o. Veeraiah,
Agriculture, R/o. Bommanampadu Village, Adanki Mandal Prakasam District.
- 2 Gorantla Chenchiah, S/o. Veeraiah,
Agriculture, R/o. Bommanampadu Village, Adanki Mandal Prakasam District.
- 3 Gorantla Srinivasa Rao S/o Veeraiah
Agriculture, R/o. Bommanampadu Village, Adanki Mandal Prakasam District.

..... PETITIONERS

AND

- 1 The Government of Andhra Pradesh, rep. by Secretary, Endowments Secretariat, Hyderabad.
- 2 The Assistant Commissioner Endowments, Ongole, Prakasam District.
- 3 The Executive Officer/Manager, Sri Lakshmi Narayana Swamy Temple, Bomannampadu Village, Adanki Mandal Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a Writ of Mandamus or any other appropriate Writ order or direction declaring the action of the Respondents in conducting the auction on 12-10-2004 or any other subsequent date in respect of the lands adm. Ac. 6.95 cents in Survey No. 407/2 and ac. 1.94 cents in Survey No. 405 situated at Bommanampadu Village, Addanki Mandal, Prakasam District, as illegal, arbitrary and unjust and consequentially direct the Respondents to consider for sale of the same to the petitioners under the provisions of the endowment Act (Act 30 of 1987) and as per the instructions issued by the Government from time to time or to give preference to the Petitioner in leasing the same which is in the occupation of the petitioners.

Counsel for the Petitioners: MR.M.S.N.PRASAD

Counsel for the Respondents: GP FOR ENDOWMENTS

The Court at the admission stage made the following order :

ORDER:

This writ petition is filed seeking a declaration that the action of the respondents in proposing to conduct auction in respect of the leasehold rights of Ac.6.95 cents in Survey No.407/2 and Ac.1.94 cents in Survey No.405 situated at Bommanampadu village, Addanki Mandal, Prakasam District, is arbitrary and illegal.

The case of the petitioners is that their father, late Veeraiah, was the cultivating tenant in respect of the said land belonging to the 3rd respondent-Sri Lakshmi Narayana Swamy Temple, Bommannampadu village, Addanki Mandal, Prakasam District, and that after his death on 26.10.2003, they have been continuing the cultivation by paying lease amounts regularly. It is stated that the petitioners own each Ac.0.40 cents in S.No.76/3C of Bommanampadu village and except the said land, they do not have any other land and therefore, they are small farmers. While so, on 29.09.2004, the third respondent published a notice in the village proposing

to conduct public auction on 12.10.2004 in respect of the leasehold rights of the lands in their occupation. Challenging the said notice, this writ petition is filed contending, *inter alia*, that without issuing any notice to the petitioners, the third respondent is not entitled to conduct the auction in respect of the lands in their possession. It is further stated that since they are small farmers, they are entitled to cultivate the land by paying 2/3rd of the market rate as fixed by the Government and therefore, they made a request to continue them as tenants, but the 3rd respondent without considering their request, has proposed to conduct the public auction.

The learned counsel for the petitioners vehemently contended that since the representation made by the petitioners on 27.09.2004 before the Assistant Commissioner of Endowments is pending and since they are paying the rents regularly and the same are being accepted, the third respondent is not justified in proposing to conduct the auction without cancelling the lease in their favour by following due process of law.

On the other hand, Smt.N.Indrani, learned Standing Counsel appearing for the third respondent, under instructions, states that the father of the petitioners, who was the cultivating tenant in respect of the land in question, died on 26.10.03 and even prior to his death on 24.04.2003, the third respondent issued the notice of termination under Rule 5 of the Andhra Pradesh Charitable and Hindu Religious Institutions and Endowments Lease of Agricultural Lands Rules, 2003. She also submits that as a matter of fact, the claim made by the petitioners before the Assistant Commissioner of Endowments to declare them as landless poor has been considered and rejected by order dated 28.06.2004. The learned Standing Counsel also produced a copy of the said order passed by the Assistant Commissioner of Endowments dated 28.06.2004 and states that since the petitioners did not choose to file any appeal, the said order has become final.

Having regard to the facts and circumstances of the case and in the light of the material produced by the learned Standing Counsel appearing for the third respondent, I do not find any substance in the contentions of the petitioners. Absolutely no case is made out to show that the petitioners are entitled to continue in possession. Hence the action of the 3rd respondent in proposing to conduct the auction cannot be held to be arbitrary or illegal.

The writ petition is devoid of merit and is accordingly dismissed. No costs.

11.10.2004

Jsu/Vgb

To

1 The Secretary, Government of Andhra Pradesh, Endowments Secretariat, Hyderabad.

2 The Assistant Commissioner Endowments, Ongole, Prakasam District.

3 The Executive Officer/Manager, Sri Lakshmi Narayana Swamy Temple, Bomannampadu Village, Adanki Mandal
Prakasam District.

4 2 CCs to the G.P.for Endowments, High Court Buildings, Hyderabad. (OUT).

5 2CD copies.

